

**IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
CLEVELAND DIVISION**

**BRUCE WHITE on Behalf of Himself and
All Others Similarly Situated**

Plaintiffs,

v.

CRST, INC.

Defendant.

CASE NO. 1:11-CV-2615

UNITED STATES DISTRICT JUDGE
JAMES S. GWIN

**REPORT OF PARTIES' PLANNING MEETING
UNDER FED.R.CIV.P.26(f)**

1. Pursuant to Fed. R. Civ. P. 26 (f), a teleconference was held on February 10, 2012 and was attended by:

- Matthew A. Dooley, Esq., Counsel for Plaintiffs;
- Anthony R. Pecora, Esq., Counsel for Plaintiffs;
- Gregory J. Lucht, Esq., Counsel for Defendant; and
- Molly M. Lukenbill, Esq., Counsel for Defendant.

The parties furthered conferred by teleconference on February 15, 2012.

2. The parties:

_____ have not been required to make initial disclosures.

 X will exchange the pre-discovery disclosures required by Fed. R. Civ. P.

26 (a)(1) on or before **March 2, 2012**.

3. The parties recommend the following track:

_____ Expedited _____ Standard X Complex¹
_____ Administrative _____ Mass Tort

4. This case is suitable for one or more of the following Alternative Dispute Resolution (“ADR”) mechanisms

_____ Early Neutral _____ Mediation _____ Arbitration
Evaluation
_____ Summary Jury _____ Summary Bench X Case not
Trial Trial suitable for ADR at this
time

5. The parties **do not** consent to the jurisdiction of the United States Magistrate Judge pursuant to 28 U.S.C. § 636(c).
6. Recommended Discovery Plan:
- a) Describe the subjects on which discovery is to be sought and the nature and extent of discovery.

The parties agree to a bifurcated discovery process subject to the Court's approval. Phase I discovery will focus upon the issues pertaining to Rule 23(b) class certification. Should the Court certify a class following Phase I discovery, Phase II discovery will focus upon the merits of putative class members' claims and respective damages.

¹ The discovery schedule outlined below generally comports with the time requirements of a Standard Track case within the meaning of L.R. 16.2 and 16.3. However, in light of the putative class allegations, the parties anticipate that the number of fact witnesses, expert witnesses, and likely trial days will meet or exceed the prerequisites for Complex Track, L.R. 16.2(b)(3).

Both Phase I and Phase II discovery will include interrogatories, requests for production of documents and depositions. Third party subpoenas may be required to obtain additional information regarding the identity of putative class members.

b) The parties (indicate one):

_____ agree that there will be no discovery of electronically-stored information; or

_____ **X** have agreed to a method for conducting discovery of electronically-stored information; or

_____ have agreed to follow the default standard for discovery of electronically-stored information (Appendix K to Northern District Ohio Local Rules)

c) Discovery cut-off and class certification briefing schedule:

1. **Phase I discovery cut-off date: June 25, 2012;**
2. **Plaintiff's designation of expert and production of report: July 9, 2012;**
3. **Defendant's designation of expert and production of report: August 9, 2012;**
4. **Motion for class certification: September 4, 2012;**
5. **Opposition to motion for class certification: October 4, 2012;**
6. **Reply to motion for class certification: October 18, 2012;**
7. **All expert class discovery: September 4, 2012.**

7. Recommended dispositive motion date:

The parties propose that a status conference be held immediately following the Court's ruling on class certification to set dates within appropriate track.

8. Recommended cut-off date for amending the pleadings and/or adding additional parties:

April 2, 2012

9. Recommended date for a Status Hearing:

The parties propose that a status conference be held immediately following the Court's ruling on class certification to set dates within appropriate track.

10. Other matters for the attention of the Court:

The parties stipulate to serve all discovery requests and responses by electronic mail.

Respectfully submitted,

STUMPHAUZER, O'TOOLE, McLAUGHLIN,
McGLAMERY & LOUGHMAN CO., LPA

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